Nunavut
Public Service

Code of Values and Ethics

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CHAPTER 1: PUBLIC SERVICE VALUES AND PRINCIPLES

1.1 Context

Public service is a public trust. Nunavummiut rely on the Government of Nunavut to protect and serve their interests, and trust GN public servants to carry out their work with integrity, impartiality, fairness and efficiency.

GN public servants are held to a high standard of conduct to ensure that the public has respect for and confidence in the public service. Public servants must be openly accountable for their actions to each other, their supervisors, Ministers, the Legislative Assembly and the public.

1.2 Purpose

The purpose of this Code is to:

(a) affirm the commitment of the GN to a public service that carries out its duties and responsibilities in the public interest and in keeping with Inuit societal values;
(b) express the values and principles that guide the GN public service;
(c) set minimum standards of conduct for all GN public servants;
(d) provide a foundational code that individual departments may add to in order to meet any special professional obligations or national or international standards related to the specific services they provide;
(e) establish a process for compliance with the Code.

Public servants use their professional judgment and discretion in decision making and this Code does not attempt to set rules addressing every situation. Instead, this Code establishes a value-based framework that sets standards and provides guidance, allowing public servants to consider how public service values and ethics should inform and support their decisions and actions as public servants.

1.3 Application

This Code applies to all members of the public service, including casual employees and deputy heads. Certain provisions of the Code, as outlined, also apply to persons who have left the public service. Provisions that are specific to deputy heads are contained in Appendix A.

Compliance with this Code is a condition of each employment agreement with the GN. Each public servant will acknowledge in writing that the Code is a condition of employment.

Compliance with this Code in part or its entirety will be considered for each service contract with the GN. Where applied, this will be set out in the service contract. Considerations for exemptions will include professional and unique legislation applicable to the services the contractor is providing.

A public servant who fails to comply with the Code may be subject to discipline after investigation, as set out in Chapter 8. A high level of trust is placed with persons holding senior GN positions, and as a result, the disciplinary consequences for breaches of the Code by senior public servants may be greater.

1.4 Role of the Public Service

(a) What is the public service?

The public service supports the elected government by developing and implementing policies and programs, and by delivering services to the public.

Public servants assist and are accountable to Ministers, who are accountable to the Legislative Assembly.

(b) What does it mean to be a public servant?

Employment in the public service is different from work in the private sector. Public servants are not only hired to perform specific duties; they also become trustees for the public interest, and must act for the good of the public. As a result, public servants must maintain high standards of conduct.

Public servants must be neutral and impartial. This is a key principle of responsible government that is necessary for government to operate effectively.

Public servants have a duty of loyalty to the GN and to the public of Nunavut. Any conflict between a public servant's private and public interests must be decided in favour of the public interest.

Public servants must support the Government of the day regardless of their personal or political views. Public servants must be free from political influence so that they can carry out this primary obligation. They must ensure that Ministers receive open, honest and impartial advice, and then must faithfully carry out decisions made to the best of their ability, consistent with the law, public service values and the constitution.

How the public perceives the public service as a whole is as important as the actual integrity of public servants. The public must see that public servants are neutral, impartial, honest, not corruptible, accountable, loyal, and lead by example so that the public can have confidence in the ability of the public service as a whole to carry out its duties fairly and effectively.

1.5 Values and Guiding Principles

This Code is founded on the following broad Inuit societal values:

Inuit Qaujimajatuqangit Values

a) *Inuuqatigiitsiarniq*, or respecting others, loyalty and caring for people;

b) *Tunngaanarniq*, or fostering good spirit by being open, welcoming and inclusive;

c) *Pijitsirniq*, or serving and providing for others;

d) *Aajiiqatigiinniq*, or decision making through consensus;

e) *Pilimmaksarniq / pijariuqsarniq*, or development of skills through practice, effort and action;

f) *Piliriqatigiinniq / Ikajuqtigiinniq*, or working together for a common cause;

g) *Qanuqtuurniq*, or being innovative and resourceful;

h) *Avatittinnik Kamatsiarniq*, or respect and care for the land, animals and the environment;

Falling under these broad values are the following more specific guiding principles:

Guiding Principles

i) *Sulittiarniq* – public servants must uphold the public trust by behaving honestly and with integrity;

j) *Ajjigiiktitsiniq* – public servants must carry out their responsibilities in a way that is, and that the public sees to be, fair, objective and impartial;

k) *Ujjiqsuttiarniq* – public servants must perform their work in a courteous and conscientious manner and be respectful of the needs and values of co-workers and the public they serve;

l) *Iqqanaijaqtitiavauniq* – public servants must seek to achieve high standards of service and use and manage resources in a responsible, economic and efficient manner;

m) *Pijitsittiarniq gavamakkunnik* – public servants have a duty of loyalty to the GN and to the public, and must carry out their responsibilities to the best of their abilities, regardless of their personal or political affiliations;

n) *Kiggaqtuittiarniq iqqanaijarvigijaminut* – public servants must represent the GN with professionalism and not conduct themselves in a manner that could bring the reputation of the GN into disrepute.

CHAPTER 2: CONFIDENTIALITY

2.1 Objective

The objective of this Chapter is to ensure that public servants respect and protect the confidentiality of information held by the GN, in a manner consistent with the values and principles of inuuqatigiitsiarniq and ujjiqsuttiarniq. Every person who deals with the GN has the right to have his or her personal information kept confidential. Public servants must ensure that the privacy of individuals and information about them is respected and maintained.

2.2 Confidentiality

The *Public Service Act* requires every public servant to take the Oath or Affirmation of Office and Secrecy which is set out in the Schedule to the *Public Service Regulations*. The Oath or Affirmation of Office and Secrecy provides that every public servant will faithfully and honestly fulfill his or her public service duties and will not, without proper authority, disclose any matter that comes to his or her knowledge by reason of employment in the public service.

Public servants must ensure that they understand the confidentiality requirements of their positions and are cautious when disclosing information. The requirement to keep information confidential applies both within and outside the GN. Public servants must not share confidential information acquired in the course of their employment with other GN public servants, or release it outside the GN, unless the disclosure is authorized in the scope of their duties. Public servants must also comply with the law relating to confidentiality of information, including copyright, contracting, the *Access to Information and Protection of Privacy Act*, and all other legislation related to confidential records including health, social services, and education.

Public servants may not use confidential information acquired in the course of employment while employed or post-employment that is not available to the general public or that could result in harm to the Government of Nunavut before one year to further their private interests or the private interest of another person. Public servants must arrange their private interests so that there is no perception that they are benefiting from the use of confidential information.

CHAPTER 3: CONFLICT OF INTEREST

3.1 Objective

The objective of this Chapter is to establish standards to reduce the likelihood of conflicts of interest arising within the public service, to ensure that the public service acts fairly, impartially, honestly and with integrity. These measures support the values and principles of inuuqatigiitsiarniq, sulittiarniq, ajjigiiktitsiniq, pijitsittiarniq gavamakkunnik and kiggaqtuittiarniq iqqanaijarvigijaminut.

3.2 Conflict of Interest

A public servant who can avoid or prevent a real, potential, or apparent conflict of interest leads by example and maintains public confidence in the public service.

A conflict of interest exists when a public servant has a private personal or financial interest that is inconsistent with his or her duties and the responsibility to act in the best interests of the public, because the public servant could benefit personally from a decision or action. The private interest may influence or have the potential to influence how the public servant carries out his or her GN duties.

Conflict of interest rules are based primarily on impartiality and integrity. The public will not perceive a public servant to be impartial and acting with integrity if he or she could benefit personally from a decision or action related to his or her employment.

A conflict of interest is a set of circumstances, and may exist even if the public servant does not behave improperly or receive an improper benefit. There are three aspects:

- a real conflict of interest exists when a public servant knows of a private interest that is substantial enough to influence how the public servant carries out his or her GN duties and responsibilities;
- a potential conflict of interest exists when a public servant has a private interest that could conflict with his or her GN duties and responsibilities in the future;
- an apparent conflict of interest exists when a member of the public could reasonably perceive that a public servant's private interests could improperly influence how the public servant carries out his or her GN duties and responsibilities.

A private interest of a public servant does not include an interest that:

(a) applies generally to the public;
(b) affects the public servant as one of a broad class of persons; or
(c) concerns the pay or benefits of the public servant.

3.3 General Obligations

Each public servant is responsible for assessing his or her own circumstances to determine whether a real, potential or apparent conflict of interest may exist and for avoiding activities or situations that may place them in real, potential or apparent conflict.

Public servants must:

(a) carry out their duties and arrange their private interests so that public confidence and trust in the integrity, objectivity and impartiality of the GN are maintained and enhanced;
(b) carry out their duties and arrange their private interests in a manner that will prevent real, apparent or potential conflicts of interest from arising;
(c) disclose any real, apparent or potential conflict of interest;
(d) refrain from acting or participating in a decision if the public servant knows or reasonably should know that in doing so there is an opportunity to further the public servant's private interest or improperly to further another person's private interest; and
(e) resolve conflicts between private interests and public duties in favour of the public interest.

Public servants must ensure that their actions, conduct and private interests do not reasonably raise doubt about their willingness and ability to:

(a) serve the GN, through the responsible Minister, in an objective and impartial manner; or
(b) comply with the requirements of this Code.

The potential for or type of conflict a public servant may become involved in can in some cases change in large measure with the position they are in. A public servant when uncertain of their responsibilities under this code is responsible to seek guidance from their supervisor.

3.4. Use of Position

Public servants must not use the authority or influence of public office or government resources to further, directly or indirectly, a private interest of the public servant, a family member, or a personal associate involved because of their personal relationship to the public servant.

3.5 Use of GN Property

Public servants must be careful that there is no public perception that they may be personally benefiting from the use of GN owned or leased property.

Public servants may not use GN vehicles, property, equipment or premises for any purpose other than carrying out their GN employment duties, unless specifically authorized by a supervisor, manager or deputy head.

All GN vehicles, property, equipment or premises are solely owned by GN and the public servant gains no right to ownership through use of such.

Limited personal use of office equipment when authorized will only be granted during non-work time, when there is minimal additional expense to GN, it does not reduce a public servants productivity or interfere with their official duties or the official duties of others; the public servant is already authorized to use the equipment for official Government business; it is legal and appropriate, and complies with any law, GN policy or directive governing the particular piece of equipment and its use.

3.6 Outside Employment and Activity

Public servants may participate in outside activity that does not interfere with their primary public service employment or impair the neutrality of the public service. "Outside activity" includes self-employment and volunteer work, as well as additional employment either inside or outside the GN.

A public servant may not participate in outside activity that:

(a) causes or is likely to result in a conflict of interest or the perception of a conflict of interest;
(b) involves the unauthorized use of work time or of GN premises, equipment or supplies;
(c) imposes or is likely to impose demands that are incompatible with or are likely to interfere with the person's primary public service duties;
(d) is carried out in a manner so that the public servant's actions appear to represent a GN position or policy; or
(e) casts doubt on the public servant's ability to perform his or her public service duties in an effective, objective and impartial manner.

The *Public Service Regulations* also prohibit a public servant from carrying on any business or employment outside the GN where he or she unduly exploits his or her acquaintance with persons through the GN, where there may be a conflict with his or her GN duties or where he or she makes unauthorized use of GN information, property or facilities. Section 203 of the Human Resource Manual provides additional information.

A public servant must notify his or her deputy head, in writing, of the details of any additional employment inside or outside the GN, and of any outside business activity or other activity for which taxable compensation is received, before accepting the additional employment or carrying on the business. A public servant who is beginning employment with the GN or beginning a different position within the GN and has additional employment, or is carrying on outside business activity or other activity for which taxable compensation is received, must notify his or her deputy head, in writing, of the details of the additional employment or activity without delay. This requirement includes activity such as serving as a director on a board of an organization or association or municipal council.

A public servant must notify his or her deputy head, in writing, of the details of any volunteer activity that could reasonably result in a conflict of interest or a perception of conflict of interest with his or her public service duties.

A public servant who was not aware that the activity they were involved in required disclosure must as soon as they become aware provide notice as described with explanation for not reporting earlier.

Where a deputy head receives notice from a public servant respecting outside employment or business or volunteer activity, the deputy head must within 20 working days, in writing and without delay,

(a) approve the employment or activity, subject to any terms and conditions that the deputy head considers appropriate in the public interest; or
(b) notify the public servant, with reasons, that the proposed employment or activity is not approved.

A public servant does not need to remove themselves from their outside employment or voluntary activity while awaiting the deputy heads decision where the outside activity does not interfere with their primary public service employment or impair the neutrality of the public service.

Public servants must ensure that their judgment is not influenced by the possibility of outside employment or by the possibility of future employment that may be available after leaving the public service.

The restrictions on outside activity apply to a public servant who is on paid or unpaid leave from the GN.

3.7 Preferential Treatment

A public servant must avoid being placed, or appearing to be placed, under obligation to any individual or organization that might benefit from special consideration by the public servant.

Public servants may not grant preferential treatment or preferential assistance in GN matters to relatives or friends, or to businesses or organizations in which they, their relatives or friends have a personal or financial interest.

Where the relationship between the public servant and an affected person may reasonably bring the public servant's impartiality into question, public servants may not participate in:

(a) staffing processes;
(b) decisions that will result in a financial benefit; or
(c) the exercise of regulatory or discretionary authority

Where refraining from participation would harm service delivery, the public servant must consult with his or her deputy head. The public servant may participate in the process, decision or exercise of authority with the written approval of the deputy head, subject to any terms and conditions that the deputy head considers appropriate in the public interest. Where consultation is not possible, the public servant must act impartially and notify his or her deputy head without delay.

Public servants who are relatives may work in the same department, institution, branch, division or unit if there is no opportunity for preferential treatment and no conflict of interest exists. Where public servants who are relatives work in the same workplace unit, each public servant must ensure that the deputy head is notified of the relationship.

A public servant may not work in a direct reporting or supervisory relationship with a member of his or her immediate family[1] or a person with whom he or she is in an intimate relationship[2] except with the written approval of the deputy head in consultation with the Deputy Minister of Human Resources.

3.8 Gifts, Hospitality and Benefits

Public servants may not accept or solicit any gifts, hospitality or other benefits (including free or discounted admission to sporting and cultural events arising out of an actual or potential business relations directly related to their public service official duties) that may influence or appear to influence their ability to carry out their public service duties in an objective and impartial manner.

Public servants may accept gifts, hospitality or other benefits that:

(a) are infrequent and of nominal value;
(b) are awarded through a merit or long term service policy of the Government of Nunavut;
(c) are given as an incident of protocol, custom or cultural or social obligations if doing so is reasonable in the circumstances; and
(d) would not reasonably raise doubt about the objectivity and impartiality of the public servant or the integrity of the GN.

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[1] "Immediate family", in reference to a public servant, means
(a) the public servant's spouse;
(b) a child, step-child, parent, step-parent, sibling, grandparent or grandchild of the public servant or of the public servant's spouse;
(c) a spouse of a person mentioned in paragraph (b); or
(d) any relative of the public servant or the public servant's spouse who shares a residence with the public servant;

"child" includes a child whom an individual has demonstrated a settled intention to treat as a child of his or her family;

"spouse" means either of two individuals who are
(a) married to each other; or
(b) living together in a conjugal relationship outside marriage.

[2] "Intimate relationship" means a relationship between two persons, whether or not they have ever lived together, who are dating each other and whose lives are enmeshed to the extent that the actions of one affect the actions or life of the other;

Examples of acceptable gifts are:

(a) pens, calendars, mugs, etc.
(b) gift or benefit of small value under $100.00 received as a result of business protocol or that normally accompanying the duties or responsibilities of the employee, or unless it is extended to all interested parties, e.g., all parties participating at a conference.

A public servant who cannot reasonably decline a benefit that should not be accepted under this Code must notify his or her deputy head. The deputy head may determine the appropriate disposition of the benefit, which may include that an item becomes the property of the GN or is donated to charity.

A violation under this section may be considered a Criminal offence. Paragraph (121) (1) (c) of the *Criminal Code of Canada* specifically states:

> **(121).** (1) (c) being an official or employee of the government, directly or indirectly demands, accepts or offers or agrees to accept from a person who has dealings with the government a commission, reward, advantage or benefit of any kind for themselves or another person, unless they have the consent in writing of the head of the branch of government that employs them of which they are an official"

Financial Administration Manual Directive No. 811, *Extending and Accepting Hospitality, Gifts and Token Gifts*, provides additional information.

CHAPTER 4: PUBLIC COMMENT

4.1 Objective

The objective of this Chapter is to ensure that public servants comply with their duty of loyalty when making public comments on matters respecting the GN, so that public confidence in the impartiality and effectiveness of the public service is maintained. This supports the values and principles of inuuqatigiitsiarniq, ajjigiiktitsiniq, pijitsittiarniq gavamakkunnik and kiggaqtuittiarniq iqqanaijarvigijaminut.

Public servants have a duty of loyalty to the GN as their employer, and a duty of loyalty to the public. The duty of loyalty is a fundamental value and obligation of the public service and is an essential principle of democracy; public servants provide open, honest and impartial advice to democratically elected representatives, and then must loyally implement the decisions made.

Public servants have the right to freedom of expression and may comment on public issues as private citizens. However, employment in the public service also requires that public servants accept some restraints. Public servants must exercise caution in making comments respecting the GN, in order to ensure that the public service as a whole is seen to carry out its duties impartially and effectively.

4.2 Public Comment

The duty of loyalty includes the duty not to publicly criticize the GN. This duty is balanced with a public servant's right to freedom of expression.

A public servant must exercise caution when commenting on government policy in any public forum, including by use of the internet, and must be aware that his or her government position may lend weight to the expression of a personal opinion (for example, a comment relating to the public servant's position or area of expertise).

The *Public Service Act* prohibits a public servant from publicly criticizing a GN policy about which the public servant acquired information by virtue of his or her position, or that directly relates to the public servant's duties, unless on a leave of absence.

A public servant must also ensure that any public comment is appropriate to the position he or she holds and:

(a) does not reveal confidential information
(b) is not purposely stated to cause mistrust of the GN; or
(c) purposely stated to cause doubt about the ability of the public servant or the public service as a whole to be impartial and effective.

After balancing the duty of loyalty and freedom of expression, public criticism may be justified in certain circumstances. Public criticism may be justified where:

(a) a public servant is aware of illegal acts;
(b) life, health or safety is jeopardized; or
(c) the criticism has no impact on the public servant's ability to perform his or her duties impartially and effectively or on the public perception of that ability.

The following factors affect whether a comment will be justified:

(a) the substance, or content of the comment;
(b) the context, such as the frequency of the comment or the forum in which it is made; and
(c) the form of the comment, or the manner in which it is expressed.

For example, personal criticism or strong or persistent criticism of government policy may impair the public's perception of the public servant's ability to carry out his or her duties impartially. Other factors include whether the public servant has raised concerns internally before making public criticism, whether any allegations can be verified, whether the public servant has taken steps to verify the facts and whether the comments suggest that a person has inappropriate motives.

CHAPTER 5: BEHAVIOUR

5.1 Objective

The objective of this Chapter is to ensure that the behaviour of public servants is consistent with the integrity of the public service, and with the values and principles of inuuqatigiitsiarniq, tunnganarniq, pijitsirniq, piliriqatigiinniq / ikajuqtigiinniq, sulittiarniq, ajjigiiktitsiniq, ujjiqsuttiarniq and kiggaqtuittiarniq iqqanaijarvigijaminut.

5.2 Workplace Behaviour

The behaviour and attire of public servants in the workplace must contribute to a positive work environment and be consistent with the integrity of the public service. Public servants must treat each other and members of the public with respect and dignity and conduct themselves in a manner that will not reflect adversely on the public service.

Public servants have an obligation to the GN as their employer to attend work regularly and punctually, and to remain in attendance for the entire work day.

Discrimination, harassment and violence in the workplace will not be tolerated. For guiding authorities, refer to the GN *Workplace Harassment Policy, Criminal Code of Canada, Nunavut Human Rights Act, and Canadian Human Rights Act*.

For direction where it is suspected that a loss of public money or property or an offence such as fraud or theft has occurred, refer to Financial Administration Manual Directive No. 913, *Loss of Cash or Other Assets*.

A public servant must notify his or her deputy head without delay where the public servant is charged or under investigation in respect of any offence as a result of conduct related to the public servant's employment in the public service.

5.3 Non-Workplace Behaviour

Public servants must demonstrate honesty, integrity and high standards of personal conduct, consistent with the principle of kiggaqtuittiarniq iqqanaijarvigijaminut. Criminal behaviour by a public servant can harm employee safety, government interests, security and reputation and the public perception of the government's ability to protect the public interest.

A public servant must notify his or her deputy head without delay where the public servant is charged or under investigation in respect of:

(a) an offence under the *Criminal Code* (Canada); or
(b) a drug related offence.

A public servant must also notify his or her deputy head without delay where the public servant is charged or under investigation in respect of an offence not referred to above, and:

(a) the matter could reasonably affect the perception of the public respecting the public servant's ability to carry out his or her public service duties effectively and impartially;
(b) the public servant's continued presence in the workplace could reasonably cause concern about the safety of public servants or the security of government property; or
(c) the matter could reasonably affect the perception of the public respecting the integrity of the public service.

Criminal activity by a public servant, whether within or outside the workplace, is a violation of this Code subject to the following considerations and may result in disciplinary action in accordance with the *Public Service Act* and any applicable collective agreement.

Prohibitive activity would be that which is wholly incompatible with the proper discharge of the employee's duties or if condoned would imperil the ability of the public servant or other public servants to perform their duties. Traffic violations, privately imposed orders such as a peace bond, or private conduct that has no impact on the performance of the public servants duties presently or potentially or the public's confidence in their ability to perform these, may be considered exempt.

CHAPTER 6: POLITICAL ACTIVITY

6.1 Objective

The objective of this Chapter is to ensure that the political activity of GN public servants is consistent with the constitutional convention of public service neutrality and with the values and principles of sulittiarniq, ajjigiiktitsiniq and pijitsittiarniq gavamakkunnik.

The principle of public service neutrality forms the foundation of the public service and is essential to the proper functioning of government. While public servants have the right to freedom of expression, this must be balanced with the right of citizens to an impartial public service. Public servants must be independent from political influence so that they can maintain their primary obligation to protect and serve the public interest. A public servant may not engage in a political activity where it could reasonably result in a perception by members of the public that the public servant is not carrying out his or her duties impartially or that the public service is not impartial and politically neutral.

6.2 Political Activity

The political activity of public servants is governed by the *Public Service Act* and the *Public Service Regulations*. Public servants are entitled to engage in political activity, or to decline to engage in political activity, except as restricted by the Act and the regulations. Section 204 of the Human Resource Manual provides more detail with respect to political activity.

The Act restricts public servants from:

(a) personally soliciting funds for a Nunavut political party or candidate;
(b) engaging in any political activity during working hours for a Nunavut or federal party or candidate;
(c) using premises, charters, supplies, equipment or services belonging to the GN for any political activity, except for leased residential premises;
(d) displaying or distributing campaign literature or promotional material in any GN office or premises, except for leased residential premises;
(e) being a candidate in an election unless on a leave of absence;
(f) serving as an official agent for a candidate or as an executive officer of a Nunavut political party or riding association;
(g) intentionally using or attempting to use his or her position to affect the political activity of any other person.

Restricted employees are subject to additional restrictions, and may not:

(a) publicly express views on a matter that forms part of the platform of a political party, including criticizing candidates, positions or policies;
(b) attend any meeting of a political party as a voting delegate
(c) serve as executive officer of a federal political party, riding or association; or
(d) campaign for or otherwise actively work in support of a political party or candidate.

The restricted employees are listed in section 49 of the *Public Service Regulations* made under the *Public Service Act*.

CHAPTER 7: POST-EMPLOYMENT

7.1 Objective

The objective of this Chapter is to establish standards respecting the post-employment activities of public servants, to minimize real, potential and apparent conflicts of interest and ensure that confidentiality is maintained. These measures support the values and principles of inuuqatigiitsiarniq, sulittiarniq, ajjigiiktitsiniq, pijitsittiarniq gavamakkunnik and kiggaqtuittiarniq iqqanaijarvigijaminut.

It is in the public interest to facilitate the mobility of skills and knowledge within Nunavut. However, when public service employment ends, former public servants continue to have an obligation to avoid using confidential information for personal gain or taking improper advantage of their previous positions. This provision is not meant to create non-competition and would not be applicable in this regard after one year except where utilizing or disclosing information would violate ATIPP, copyright, or other laws.

Former public servants must maintain confidentiality requirements and minimize the possibility of real, potential or apparent conflicts of interest between their new employment and their former responsibilities in the public service.

Confidentiality breaches can be intentional as well as accidental. Ways in which breaches may occur can include electronic, by word of mouth, printed material, computer transferred material, or Cell Phone text, or information sent by FAX.

Past public servants are to act with integrity in regards to the information they have gained as public servants. The key is remembering that even though one is no longer a public servant the public perception of your past role may often be in relation to your public service and you must not release information that can bring harm or disrepute to the public service and those provided service through the public service except when warranted through whistle blowing or reporting of wrongdoing under the Criminal Code or other laws.

7.2 Post-Employment Restrictions

In this section, "senior manager" means a public servant who occupies a position that involves management of significant financial resources, programs and personnel. A public servant who is unsure of the status of his or her position should consult with his or her deputy head.

The post-employment restrictions apply to senior managers and any additional positions designated by the Senior Personnel Secretariat. Where the Senior Personnel Secretariat designates additional positions, the Secretariat must notify the individuals concerned in writing.

The post-employment provisions apply for a period of one year after a senior manager ceases employment with the GN.

A former senior manager must not;

(a) lobby for or on behalf of an individual or organization on an issue if the senior manager had access to confidential information during his or her GN employment directly relating to the issue and the lobbying efforts;
(b) enter into a contract with the GN or own, operate, control or be employed by a business that has a contract with the GN if the senior manager had access to confidential information during his or her GN employment directly relating to the subject of the contract, or where the circumstances could reasonably result in a public perception of preferential treatment as a result of the senior manager's previous GN employment;
(c) advise or represent an individual or organization in relation to proceedings, transactions, negotiations or cases to which the GN is a party and in respect of which the former senior manager acted or advised the GN during his or her GN employment, if the advice or representation could reasonably result in an unfair advantage to an individual or organization or in loss or damage to the GN;
(d) accept employment with or appointment to the board of directors of an organization if the senior manager had substantial involvement with the organization during the six months before ceasing employment with the GN and the senior manager had access to confidential information during GN employment that, if disclosed to the organization, could reasonably result in unfair advantage to an individual or organization or in loss or damage to the GN.

In addition to exercising other legal remedies, the GN reserves the right to refrain from conducting business on a matter with an individual or organization acting in violation of the post-employment restrictions.

A public servant who has dealings with a former senior manager in circumstances that may be governed by the post-employment restrictions must report the circumstances to his or her deputy head.

A former senior manager may request that a deputy head provide advice or grant an exemption in respect of proposed post-employment activity. A deputy head may grant in writing an exemption that he or she considers appropriate where the deputy head is satisfied that the exemption and its terms and conditions are not contrary to the public interest. Consideration to and justification for such a request will be strongly influenced by "what is in the best interest of the public", for example where a manager may be able to bring valuable skills to another organization such as an Inuit representative group or service organization.

This section continues to apply after a person leaves the public service.

CHAPTER 8: COMPLIANCE

8.1 Advice

A public servant who wants to discuss, clarify or seek advice on issues related to this Code should raise the matter with his or her supervisor or manager or with his or her deputy head. A public servant who is a deputy head may consult with the Deputy Minister of Human Resources or the Senior Personnel Secretariat.

8.2 Reporting

All public servants share responsibility for maintaining a high level of integrity within the public service. A public servant who is concerned about a conflict of interest or other violation of this Code should inform his or her supervisor or manager or deputy head, or the Deputy Minister of Human Resources.

8.3 Disclosure

On appointment to the public service each public servant must submit to his or her deputy head a disclosure report that includes:

(a) an acknowledgement that he or she has read and understands this Code and has taken the Oath or Affirmation of Office and Secrecy;
(b) a declaration of any assets and liabilities that could give rise to a conflict of interest; and
(c) the details of his or her participation in outside employment and business and volunteer activities that could give rise to a conflict of interest.

The requirement to disclose assets and liabilities that could give rise to a conflict of interest in paragraph (b) does not apply to certain personal assets and liabilities, such as a residence, vehicle or household goods. Appendix B sets out the types of assets and liabilities that must be declared where they could give rise to a conflict of interest and the types of assets and liabilities that are not required to be declared.

A public servant who at any time has reasonable grounds to believe that a conflict of interest exists or is likely to arise in relation to his or her employment duties must:

(a) disclose the circumstances to his or her deputy head without delay; and
(b) refrain from attempting to influence any action or decision in respect of the matter.

The deputy head may require that the disclosure be made in writing.

If a deputy head has reasonable grounds to believe that a conflict of interest exists or is likely to arise with respect to a public servant, the deputy head may direct the public servant, in writing, respecting measures that the public servant must take to resolve or prevent the conflict.

8.4 Compliance

Each public servant is responsible for preventing conflicts of interest and resolving those that arise. This may include:

(a) avoiding or withdrawing from activities or situations that place the public servant in a conflict of interest; or
(b) divesting assets that present a conflict of interest.

An asset may be divested by selling it in an arm's length transaction (at fair market value to an unrelated person) or placing it in a trust. The trust must allow the public servant no power to manage or make decisions in respect of the asset.

The grievance procedures established under the *Public Service Act* and collective agreements apply to complaints arising from the application of this Code.

A public servant who fails to comply with the requirements of this Code, including any requirement to disclose information, may be subject to:

(a) investigation;
(b) disciplinary measures;
(c) legal action where the failure to comply results in loss or damage to the GN;
(d) prosecution under an Act of Nunavut or the *Criminal Code* or other Act of Canada where the circumstances indicate that an offence has occurred.

Disciplinary measures will be taken in accordance with the *Public Service Act*, Human Resources Manual, and as applicable; collective agreement, Excluded Employees Handbook, Seniors Managers Handbook, or other regulatory document of the Minister of Human Resources, and may range from a verbal warning to termination of employment.

CHAPTER 9: ROLES, RESPONSIBILITIES AND ACCOUNTABILITIES

9.1 Public Servants

Public servants are responsible for:

(a) fulfilling their duties and responsibilities objectively, impartially and loyally;
(b) ensuring that confidential information is handled with caution and discretion;
(c) understanding the values, policies and legal requirements that guide GN public service conduct;
(d) complying with applicable Acts, regulations and policies and with any agreement between a public servant and the GN;
(e) disclosing and resolving real, potential and apparent conflict of interest situations in compliance with this Code;
(f) maintaining appropriate workplace behaviour and disclosing circumstances in which a public servant is charged with or under investigation for an offence in accordance with Chapter 5; and
(g) seeking advice when they are uncertain about any aspect of this Code.

9.2 Supervisors and Managers

In addition to the responsibilities set out in 9.1, supervisors and managers are responsible for:

(a) promoting high ethical standards in the public service; and
(b) advising and assisting public servants on matters related to this Code.

9.3 Deputy Heads

In addition to the responsibilities set out in 9.1 and 9.2, deputy heads are responsible for:

(a) encouraging and maintaining an ongoing dialogue on public service values and ethics;
(b) ensuring that public servants sign on appointment the Oath or Affirmation of Office and Secrecy and the acknowledgements, reports and confirmations required in Chapter 8;
(c) ensuring that public servants who request assistance for matters related to this Code receive assistance in a timely manner;

(d) ensuring that all potential breaches of the Code are thoroughly investigated and appropriate action is taken; and
(e) ensuring that public servants who resign from the public service are reminded of the post-employment restrictions.

9.4 Deputy Minister of Human Resources

The Deputy Minister of Human Resources is responsible for:

(a) ensuring that information and educational materials relating to this Code are widely available;
(b) maintaining an advisory support service for deputy heads on the interpretation and promotion of this Code;
(c) providing assistance to deputy heads with respect to the development of any supplementary provisions to this code further to 9.3 (f);
(d) monitoring the implementation of the Code throughout the public service; and
(e) regularly reviewing this Code to ensure that it remains relevant and appropriate for the public service of Nunavut.

CHAPTER 10: AUTHORITIES AND REFERENCES

10.1 Legislation and Regulations

Canadian *Charter of Rights and Freedoms*
Criminal Code, R.S. 1985, C. C-46
Public Service Act, R.S.N.W.T. 1988, c. P-16.
Public Service Regulations, R.R.N.W.T. 1990, c. P-28.
Human Rights Act, S. Nu. 2003, c. 12.
Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20.

10.2 GN Policies

Workplace Harassment Policy
Human Resource Manual

10.3 GN Financial Administration Manual

Financial Administration Manual Directive No. 811, *Extending and Accepting Hospitality, Gifts and Token Gifts*
Financial Administration Manual Directive No. 913, *Loss of Cash or Other Assets*

10.4 Collective Agreements

Nunavut Employees' Union Collective Agreement
Nunavut Teachers' Association Collective Agreement
Qulliq Energy Corporation Collective Agreement

APPENDIX A: DEPUTY HEADS

A.1 Deputy Head

This appendix applies to deputy heads and to any additional positions designated by the Senior Personnel Secretariat.

In accordance with the *Public Service Act*, a deputy head is:

(a) a Deputy Minister of a department;
(b) a Chief Executive Officer of any other portion of the public service; or
(c) where there is no Chief Executive Officer, the person that the Minister of Human Resources designates as deputy head.

"Deputy head" includes the President of Nunavut Arctic College, the President of the Nunavut Housing Corporation and the Chief Executive Officer of the Qulliq Energy Corporation.

A.2 Outside Activity

A deputy head may not:

(a) engage in employment or the practice of a profession;
(b) carry on or engage in the management of a business; or
(c) hold an office or directorship other than as one of his or her employment duties or in a social club, religious organization or political party.

Before accepting a volunteer position or carrying on volunteer activity, a deputy head must notify the Senior Personnel Secretariat, in writing, of the details of the position or activity. The deputy head must comply with any terms or conditions set by the Senior Personnel Secretariat respecting the position or activity, or with a direction to decline the position or refrain from carrying out the activity.

A.3 Disclosure

On appointment, each deputy head must submit a disclosure report to the Senior Personnel Secretariat that includes:

(a) an acknowledgement that he or she has read and understands this Code and has taken the Oath or Affirmation of Office and Secrecy;
(b) a declaration of his or her assets and liabilities;

(c) confirmation that he or she holds no outside employment; and
(d) the details of his or her participation in business and volunteer activities.

The requirement to disclose assets and liabilities in paragraph (b) does not apply to certain personal assets and liabilities, such as a residence, vehicle or household goods. Appendix B sets out the types of assets and liabilities that must be declared and the types of assets and liabilities that are not required to be declared.

Where a change or event occurs after a disclosure report is made that would significantly change the information required to be provided, the deputy head must, without delay, submit a supplementary disclosure report that describes the changes to the Senior Personnel Secretariat.

A deputy head who at any time has reasonable grounds to believe that that a conflict of interest exists or is likely to arise in relation to his or her employment duties must disclose the general nature of the conflict to the Senior Personnel Secretariat and refrain from attempting to influence any action or decision in respect of the matter.

If the Senior Personnel Secretariat determines that there are reasonable grounds to believe that a conflict of interest exists or is likely to arise with respect to a deputy head, the Senior Personnel Secretariat may direct the deputy head, in writing, respecting measures that the deputy head must take to resolve or prevent the conflict.

A.4 Post-Employment Restrictions

A deputy head must comply with the post-employment restrictions set out in Chapter 7 for a period of one year after ceasing employment with the GN.

APPENDIX B: DISCLOSURE OF ASSETS AND LIABILITIES

B.1 Assets and liabilities that must be disclosed

The following types of assets and liabilities must be included in a disclosure statement, unless they are exempt from disclosure under section B.2:

(a) the source and amount of any income received by the public servant, his or her spouse and his or her dependent children during the previous 12 months;
(b) all assets, liabilities and financial interests held by the public servant, his or her spouse and his or her dependent children;
(c) all assets, liabilities and financial interests that are held by a corporation in which the public servant, singly or collectively with his or her spouse or dependent children, has a controlling interest.

Section 8.3 sets out the requirement for all public servants to disclose assets and liabilities that could give rise to a conflict of interest. Appendix A, section A.3 requires deputy heads to disclose their assets and liabilities.

B.2 Assets and liabilities that are not required to be disclosed

The following types of assets and liabilities are not required to be disclosed:

(a) residences and recreational properties used or intended for use by the public servant or his or her family;
(b) assets, liabilities and financial interests with a value of less than $5,000;
(c) a source of income that pays less than $1,000 in a 12 month period;
(d) household goods and personal belongings;
(e) vehicles, snowmobiles, all terrain vehicles, boats and other personal property used for transportation or for hunting, fishing or recreational purposes;
(f) cash and deposits;
(g) bonds, investments and securities of fixed value issued or guaranteed by any government or government agency in Canada;
(h) guaranteed investment certificates or similar financial instruments;
(i) registered retirement savings plans, registered education savings plans, pension plans or senior management benefit plans that are not self-administered;
(j) investments in open-ended mutual funds;
(k) annuities and life insurance policies;
(l) pension rights;
(m) support payments.